

**ORIGINAL**

**IN THE UNITED STATES BANKRUPTCY COURT**

**NORTHERN DISTRICT OF GEORGIA**

**ATLANTA DIVISION**

**IN RE:**

**PLEASE  
ENTER ON  
DOCKET**

**WANDA RENEE TYREE,**

**CASE NO.: 10-68797-MHM**

**Debtor.**

**WANDA RENEE TYREE,**

**Movant,**

**vs.**

**GABRIEL GUZMAN and HAIT &  
EICHELZER,**

**Respondents.**

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Filed in U.S. Bankruptcy Court  
Atlanta, Georgia

DEC 6 2010

M. Regina Thomas, Clerk  
By: *Samara Buckley*  
Deputy Clerk

**AFFIDAVIT**

COMES NOW, Jennifer M. Zeigler Paralegal, having been duly sworn hereby testifies as follows:

1.

My name is Jennifer M. Zeigler and I am over the age of eighteen and am otherwise competent to testify in the matter currently pending before the Court.

2.

On November 2, 2010, I had a meeting with Mr. Hait and Mr. Eichelzer to discuss our prior conversations from the week before in regard to the levy of Ms. Tyree, wherein I was directed to return Ms. Tyree's belongings from the Sheriff's Levy.

3.

Directly after my meeting in the afternoon on November 2, 2010, I called Sgt. Cindy Hughes, Field Operations, Civil Section of the Cobb County Sheriff's Department. I let Sgt.

Hughes know that the Court Ordered our firm to return the levied items to Ms. Tyree. I told Sgt. Hughes that I needed to contact some moving companies and asked Sgt Hughes if she would mind contacting Ms. Tyree to find out a convenient time that we could return her belongings. Sgt. Hughes' reply was that in this situation the other party is contacted and notified that they need to come pick up their belongings. I told Sgt. Hughes that was not necessary and if she could schedule a time with Ms. Tyree we would have a moving company come to the storage facility, load up the items, and then return them to where we removed them. She replied that we were being generous and would be happy to make the call for us.

4.

On November 2, 2010 after speaking with Sgt. Hughes, I called Mary from Barrow Wrecker Service. I explained that we needed to return the vehicle to the owner per the Courts direction and asked for the final invoice amount for storing the vehicle. I asked her to include the price of taking the vehicle back to the owner's residence as she explained that it was \$10.00 per day for the length that they kept the vehicle, Mary then replied that she would have to check the file and placed me on hold. Mary returned to the line saying that she was unable to locate the vehicle that they had just had an auction and were very busy and would need for me to call her back the following day.

5.

On November 3, 2010, I called Mary back to check on the status of the vehicle. She notified me that they were extremely busy and had not had time to locate the vehicle. I explained the severity of the situation and Mary said she would do her best to find it.

6.

Later that morning on November 3, 2010, I followed up with Sgt. Hughes by leaving her a voicemail.

7.

After leaving a voicemail for Sgt. Hughes on November 3, 2010, I spent time researching movers in the area who were licensed and insured. After reading the reviews, I contacted Around the Town Movers and tentatively reserved Friday, November 5, 2010, to give the Sheriff's Department ample time to discuss the matter with Ms. Tyree and for the Wrecker Service to locate the vehicle.

8.

On November 4, 2010, at approximately 9:30 a.m., I again contacted Mary at Barrow Wrecker Service who stated that she was still trying to locate the vehicle.

9.

On November 4, 2010, at approximately 9:34 a.m., I again followed up with a call to Sgt. Hughes. During the conversation, I spoke with a Deputy who said he knew Sgt. Hughes had been working on getting a hold of Ms. Tyree but was unsure if Sgt. Hughes was able to make contact with Ms. Tyree. I was informed that Sgt. Hughes was not there at the time but that a message would be passed on.

10.

On November 4, 2010, approximately 1:15 p.m., I called Around The Town Movers and informed them that I would need to change the tentative date and inquired as to if they may be available first thing Monday, November 8, 2010.

11.

On November 5, 2010, I called Mary at Barrow Wrecker Service and was happy to hear the excitement in her voice when she told me that she had located the vehicle. I let Mary know that the Sheriff's Department was contacting Ms. Tyree as to a convenient time that we could return the items to Ms. Tyree and would get back with Mary as soon as I spoke with Sgt.

Hughes. Mary told me that in order to release the vehicle I would need to get an Impound Release form from the Sheriff's Department.

12.

On November 5, 2010 at approximately 3:45 p.m., I drafted a letter to Sgt. Hughes and sent it via facsimile in regard to status attached hereto as exhibit "A".

13.

On November 5, 2010 at 4:10 p.m., before I could attach the letter and send it by email, I received an email from Sgt. Hughes apologizing for not contacting me the day before and letting me know that Ms. Tyree was fine with us returning the items sometime after 8:30 or 9:00 (on an undisclosed date) Said email is attached as exhibit "B".

14.

On November 5, 2010 at 4:14 p.m., I responded to Sgt. Hughes' email, attached hereto as exhibit "C". I proceeded to immediately contact Sgt. Hughes by phone at approximately 4:15 p.m. to clarify what day and time (the email from Sgt. Hughes did not stipulate if it was a.m. or p.m., only 8:30 or 9:00) was convenient for Ms. Tyree. Sgt. Hughes confirmed that November 8, 2010, after 9:00 a.m. would be most convenient for Ms. Tyree. I then told Sgt. Hughes that we needed an Impound Release Form, wherein Sgt. Hughes explained that the Deputy was involved with turning the vehicle over and we did not need the form.

15.

On November 5, 2010 at approximately 4:20 p.m., I contacted Mary at Barrow Wrecker Service and let her know that we had an agreement to return the vehicle on Monday morning to Ms. Tyree's residence and advised Mary what Sgt. Hughes said about the Impound Release Form, Mary agreed at that point that we did not need the form.

16.

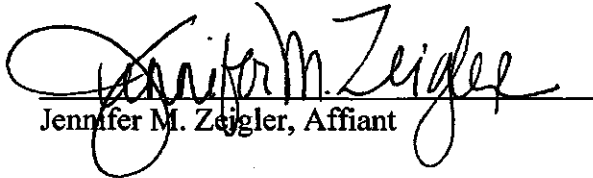
On November, 5, 2010 at approximately 4:35 p.m., I contacted Around the Town Movers to confirm that we were set for first thing Monday, November 8, 2010, wherein they would meet a representative from our office at Town Center Storage, load the items and then unload the items at Ms. Tyree's residence.

17.

On Monday November 8, 2010, I arrived at Town Center Storage at 7:57 a.m. and met the Movers. The Deputy (Deputy Cunningham, I believe) met us around 8:35 a.m. as he was running late from a shift meeting. Once the deputy arrived he let us in. At that time I supervised the Movers load the entire contents of the storage facility into the truck for delivery. Once I ensured that the items were loaded and in transport to Ms. Tyree's residence, I returned to the office as the Deputy and another paralegal from our firm, Andrea Shea, traveled to Ms. Tyree's residence.

Further affiant sayeth not.

Dated this 3rd day of December, 2010.

  
Jennifer M. Zeigler, Affiant

Sworn to and subscribed  
before me this 3 day of  
December, 2010

  
Notary Public



Alexander Gray Hait\*  
P. Kent Eichelzer, III  
Elizabeth J. Kuhn

**HAIT & EICHELZER**  
ATTORNEYS-AT-LAW

185 Stockwood Drive  
Suite 100  
Woodstock, Georgia 30188  
(P) 770-517-0045  
(F) 770-517-0350

\*Also Admitted in New Jersey & New York

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[www.he-law.com](http://www.he-law.com)

Smyrna Office  
1326 Concord Road  
Smyrna, GA 30080  
770-421-0401

November 5, 2010

Please reply to  
Woodstock Office

*Via email, U.S. Mail, and Facsimile*

Sgt. Cindy Hughes  
Operations Division  
Civil Section  
Cobb County Sheriff's Office  
185 Roswell Street  
Marietta, GA 30090

Re: Levied property of Wanda Tyree  
6605 Destiny Drive  
Mableton, GA 30126

Dear Ms. Hughes,

Please accept this as a follow up to our conversation of November 2, 2010 wherein I notified you that pursuant to the ruling made by the Court we were returning all items levied at the above mentioned address. Please let me know if you were able to get in touch with Ms. Tyree and if so what is a convenient time that we may return such items.

Your response and attention to this matter is greatly appreciated.

Sincerely yours,

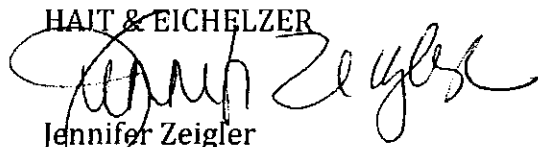
HAIT & EICHELZER  
  
Jennifer Zeigler  
Paralegal to Alexander G. Hait, Esq.

Exhibit "A"

TRANSMISSION VERIFICATION REPORT

TIME : 11/05/2010 15:56  
NAME :  
FAX : 7705170350  
TEL : 7705170045  
SER.# : 000E0N443294

DATE, TIME	11/05 15:56
FAX NO./NAME	7704994705
DURATION	00:00:21
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

Alexander Gray Hait\*  
P. Kent Eichelzer, III  
Elizabeth J. Kuhn

**HAIT & EICHELZER**  
ATTORNEYS-AT-LAW

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Suite 100  
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*Via email, U.S. Mail, and Facsimile*

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From: "Hughes, Cindy" <so89004@CobbSheriff.Org>  
Subject: **Wanda Tyree property**  
Date: November 5, 2010 4:10:11 PM EDT  
To: <jzeigler@haitlaw.com>  
1 Attachment, 3.7 KB

Ms. Zeigler,

As per our conversation, I called Ms. Tyree and made contact with her. I apologize, I meant to call you yesterday and let you know that I spoke with her. I told her that your moving crew would be at the storage facility at 8:00 and would be loading the property and would be at her house as soon as everything was loaded. She said she would be home by 8:30 or 9:00, which I told her should be fine, as it would take some time to get everything loaded.

Thank you very much for your assistance and, again, I apologize for not getting in touch with you yesterday.

Sincerely,

**Sgt. Cindy Hughes**

Field Operations

Civil Section

office (770)499-4641

fax (770)499-4683

[cindy.hughes@cobbcounty.org](mailto:cindy.hughes@cobbcounty.org)

Exhibit "B"



From: Jennifer Zeigler <jzeigler@haitlaw.com>

Subject: **Re: Wanda Tyree property**

Date: November 5, 2010 4:14:07 PM EDT

To: "Hughes, Cindy" <so89004@CobbSheriff.Org>

Cc: Alex Hait <legaljacket@mac.com>, Amy Brown <abrown@haitlaw.com>, Renee Allen <reeneicoleallenjd@gmail.com>, Front Desk <h\_and\_e@me.com>, Elizabeth Kuhn <lizzkuhn@mac.com>, Candace Key <add75@me.com>, Eichelzer III Eichelzer <kentike@bellsouth.net>



Thank you Cindy, was this for Monday? Also in order for the Barrow Wrecker service to return the vehicle they need an impound release from the Sheriff's department, can you have that ready for me by Monday morning?

Jennifer Zeigler

Paralegal to Alexander G. Hait, Esq.

& Elizabeth J. Kuhn, Esq.

185 Stockwood Drive, Ste. 100

Woodstock, GA 30188

(P) 770.517.0045

(F) 770.517.0350

[jzeigler@haitlaw.com](mailto:jzeigler@haitlaw.com)

[www.he-law.com](http://www.he-law.com)

On Nov 5, 2010, at 4:10 PM, Hughes, Cindy wrote:

Ms. Zeigler,

As per our conversation, I called Ms. Tyree and made contact with her. I apologize, I meant to call you yesterday and let you know that I spoke with her. I told her that your moving crew would be at the storage facility at 8:00 and would be loading the property and would be at her house as soon as everything was loaded. She said she would be home by 8:30 or 9:00, which I told her should be fine, as it would take some time to get everything loaded.

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Civil Section

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Exhibit "C"